

REMARKS/ARGUMENT

Claims 1-14 are pending. Claims 1, 5 and 8 are the only independent claims.

The specification was objected to due to several informalities. The specification has been amended as to matters of form, including those kindly pointed out in the Office Action. Withdrawal of the objection is requested.

The Office Action did not include an initialed copy of the Form PTO-1449 filed with the Information Disclosure Statement dated July 6, 2000. A copy of that form PTO-1449 is submitted herewith for the Examiner's convenience. It is requested that the form be initialed and returned with the next Office Action.

Replacement drawings are being submitted herewith to correct the error appearing in Figure 3. Withdrawal of the objection to the drawings is respectfully requested.

Claims 1, 3, 5, 8 and 9 were rejected under 35 U.S.C. § 103 as obvious from U.S. Patent 6,160,785 (Hutter) in view of U.S. Patent 4,157,454 (Becker). Claims 2 and 6 were rejected under 35 U.S.C. § 103 as obvious from Hutter and Becker and further in view of U.S. Patent 5,132,955 (Hanson). Claims 4, 7 and 11-14 were rejected under 35 U.S.C. § 103 as obvious from Hutter and Becker and further in view of U.S. Patent Application 10/035,311 (Kato et al.). Applicant traverses and submits that the independent claims are patentable for at least the following reasons.

Claim 1 is directed to a data transmission system that includes calculation means for performing calculation using a variable on an original data stream read from a recording medium so as to produce a calculated data stream; variable creation means for creating the variable; a stream buffer for temporarily storing the calculated data stream therein; inverse calculation means for performing inverse calculation on the calculated data stream output from the stream buffer to reproduce the data stream; stream processing means for processing

the reproduced data stream to produce a processed data stream; and output means for outputting the processed data stream.

The Office Action cited Hutter as teaching a stream buffer, stream processing means, and output means. However, the Office Action recognized that Hutter contains no teaching of means to perform calculations, inverse calculations or create variables, as recited, for example, in claim 1. In an attempt to remedy this deficiency, the Office Action relies upon Becker.

Hutter relates to a method whereby music CD reproduction can be enhanced when such a CD is played in a DVD player. The enhancement takes advantage of the fact that unlike a regular CD player, a DVD player has sufficient processing capability to perform more complex error correction on CD's played on the DVD player. By virtue of the DVD's hardware, increased error correction can be achieved without the necessity of additional, and costly, hardware.

The process of error correction of CD's does not require encryption and decryption techniques as described in Becker or the calculation, inverse calculation, and variable creation features of claim 1. Thus, there would have been no motivation whatsoever for one to have modified Hutter in the manner proposed in the Office Action. What would have been the point to have added the elements corresponding to the limitations missing from Hutter? Those elements would have been of no use at all in error correction of CD's. The mere fact that a modification could have been is not sufficient to justify a rejection based on such a modification. There must be some motivation in the prior art that would have caused someone to have actually made the modification of the primary reference. In this case, no one would have made the proposed modification because it would have simply added useless hardware components to the DVD player.

In light of the foregoing, the only conceivable motivation to tack on features useless

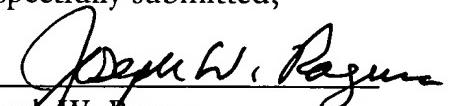
to the DVD player of Mutter is the need to meet the claim features. And of course this is not a proper motivation. Accordingly, the rejection amounts to an improper hindsight reconstruction of the claims and fails to set forth a *prima facie* case of obviousness. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested. The other independent claims recite similar features and are believed patentable for similar reasons.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant(s) respectfully request favorable reconsideration and early passage to issue of the present application.

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Respectfully submitted,

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